

NOTICE OF BOARD ACTION



LANE COUNTY BOARD OF COMMISSIONERS

This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

June 23, 1993
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Steve Cornacchia presided with Ellie Dumdi, Marie Frazier and Jack Roberts present. Jerry Rust excused. Sharon Giles, Recording Secretary.

12. COMMISSIONERS' ANNOUNCEMENTS

Dumdi distributed a copy of a letter written to Senator Ron Cease regarding HB 3661 (see material on file), asking the Board to review and approve it.

13. PUBLIC HEARINGS

- a. PUBLIC HEARING AND DISCUSSION/In the Matter of Hearing Argument for an Appeal of a Hearings Official Denial of PA 3392-92 for a Home Occupation in the EFU Zone (Appellant: Bill Childers).

Cornacchia asked Board members to declare any ex parte contacts. Frazier and Cornacchia stated they had none; Dumdi stated she'd had a brief conversation but that it had had no bearing on her consideration of the matter; and Roberts stated that his brother represented Childers on other matters, but not this appeal, and that they had never discussed it.

Steve Vorhes, Assistant County Counsel, announced the participants, stating that Rick Ficek was "indisposed" and Frank DeBenedetti wished to take his place as the Opponent. Noting that DeBenedetti was President and Ficek was Vice President of Lane Meat Company, Vorhes stated that the business entity could be accepted as the party, therefore DeBenedetti could speak to the issues. Vorhes stated that Bill Childers and Mike Farthing were present on behalf of the Applicant. It was noted that each party would receive ten minutes in which to state their case.

Jim Mann, Planning Supervisor in Land Management, identified the record, noting that there had been no new submissions since the Board received their packets. The Board approved the record by consensus. In Jerry Kendall's absence due to illness, Mann presented the Director's Report. He stated that the primary issue was the interpretation of the term "employee" in Lane Code 16.212(3)(d)(ii) (see material on file).

Cornacchia opened the Public Hearing.

Mike Farthing, attorney for the applicant, distributed a handout detailing a highlighted map of the parcels in question and excerpts from the Lane Code. Farthing referred to the Code which states that a Home Occupation "will employ no more than five full or part-time persons". He noted that the Hearings Official had concluded that there were nine persons employed, as the partners of the business must be considered in the "employ" of the business for purposes of the Lane Code (see material on file). Farthing contended that the Home Occupation standard separates owners from employees, and referred to the residency requirement of the Code. In response to a question from Cornacchia, Farthing stated that two family units live on the property which consists of Tax Lots 1800, 1900, 2200 and 3500. Bill and Sally Childers reside on Tax Lot 1800, and their son and his wife, Tim and Kathy, live on Tax Lot 2200, while the business location is on Tax Lot 1900. Farthing continued that the business causes no adverse problems for the neighbors, who are supportive of the Childers. He stated that the main criteria for the Home Occupation is that it not interfere with adjoining properties and that it be renewed annually. In conclusion, Farthing stressed that if you own and reside on the subject property, you are not in the employ of the business. He remarked that business should be encouraged, not discouraged.

Frank DeBenedetti, President of Lane Meat Company, spoke as the opponent. He stated that Childers Meat Company is the second largest meat distributing business in Lane County. He asserted that the Childers Meat Company's sanitation system is a porta-potty. He expressed concern regarding fecal contamination. He stated that the subject business is a corporation.

Farthing rebutted that the subject business is a partnership, not a corporation. He stated that the business meets all USDA and Department of Agriculture requirements and is monitored and inspected.

Cornacchia closed the Public Hearing.

Roberts stated his interpretation is that the four partners should not be included as employees due to their status as residents on the subject property.

Cornacchia concurred with Roberts, noting that additional language is needed in the Code to clarify that employees does not include residents on the property.

Dumdi concurred, commenting that this interpretation is consistent with past decisions.

In response to concerns from Frazier, Cornacchia stated that for legal purposes, all four tax lots are considered as one property. Citing the need for clarification in the Code, Frazier concurred with other Board members that people who reside on the property are excluded as employees.

Cornacchia and Roberts asserted that the Hearings Official's decision in Finding No. 4 had ignored the premise of residency.

The Board concurred that their interpretation of Lane Code 16.212(3)(d) was that "Persons who are employed for purposes of L.C. 16.212(3)(d)(ii) do not include residents operating the business pursuant to L.C. 16.212.(3)(d)(i)." Roberts added that no neighbors were complaining with respect to L.C.16.212.(3)(d)(v). He added that if approved, a condition for the owners would be the need to apply for building and sanitation permits. Farthing was asked to prepare the Findings. MOTION: Tentative approval of the application, incorporating the Board's interpretation (above) with subsequent requirements to begin compliance with the building and sanitation process in 30 days. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0. Staff was directed to return with the final Order and Findings during the week of July 13-14, 1993.

5. COMMISSIONERS' BUSINESS

- c. ORDER 93-6-23-4/In the Matter of Designating the use of \$204,500 of Lane County Road Funds for the Construction of a Road and Related Services at the HACSA-Owned Parcel Located at the Corner of Elmira and Bertelsen.

Jim McCoy, Community Development Coordinator for HACSA, reviewed this item for the Board. MOTION: Approval of the Order, with the provision that the County be the contract administrator. Dumdi MOVED, Roberts SECONDED. VOTE: 4-0.

7. LEGISLATIVE UPDATE

- a. ORAL REPORT

Russell Barnett, Legislative Assistant to Marcia Morgan, presented a report on current legislation of interest to Lane County (see material on file). With reference to HB 2004, Cornacchia noted that Lane County was on track with AOC's position. Roberts suggested

incorporation into committee meetings' notices that three commissioners may be present at times.

8. EXECUTIVE SESSION as per ORS 192.660

To be held later in the day.

9. COUNTY ADMINISTRATION

a. Announcements

Bill Van Vactor, Acting County Administrator, publicly thanked the management analysts for their work on the budget passage and the employee unions for their agreement to no salary increases.

b. ORDER 93-6-23-7/In the Matter of Granting the Acting County Administrator Authority to Execute 1993-94 Agreements for Intergovernmental and Association Dues.

MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED.
VOTE: 4-0.

11. EMERGENCY BUSINESS

a. SUBDIVISION PLATS

Manson Meadows
City of Springfield
17-03-25

Rosewood Estates, Phase III
City of Junction City
15-04-31

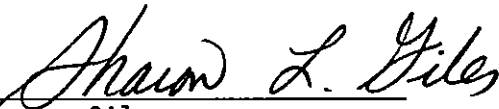
Emerald Estates, First Addition
City of Eugene
17-03-21

MOTION: Approval of the Plats. Roberts MOVED, Frazier SECONDED. VOTE: 4-0.

b. ORDER 93-6-23-24/In the Matter of Accepting Amendment #42 to the 1991-93 Intergovernmental Agreement #20-001; Delegating Authority to the Acting County Administrator to Sign the Letter of Acceptance and the Subsequent Subcontract Amendments.

MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED.
VOTE: 4-0.

There being no further business, this meeting adjourned into Executive Session
at 3:08 p.m.


Sharon Giles
Recording Secretary